

Motion DENIED.

This the 31st day of January, 2019.

/s/Louise W. Flanagan, U.S. District Judge UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CR-0245-FL

UNITED STATES OF AMERICA
v.
JOSE ANTONIO DANIA-MALDONADO

APPEAL OF MAGISTRATE JUDGE
ORDER GRANTING THE
GOVERNMENT'S MOTION FOR A
DETENTION HEARING PURSUANT TO
18 U.S.C. § 3142(f)(2)(A)

Mr. Jose Antonio Dania-Maldonado respectfully appeals the Magistrate Judge's order granting the government's motion for a detention hearing. The detention hearing is set for Monday, February 4, 2019. [DE 11.] Because the government did not make the requisite showing that Mr. Dania-Maldonado would pose a serious risk of flight if released under Title 18 United States Code Section 3142(f)(2)(A), a detention hearing is not authorized under the law. Accordingly, Mr. Dania-Maldonado moves for an order for immediate release.

FACTS

1. On June 26, 2018, Mr. Dania-Maldonado was charged by way of indictment with one count of illegal re-entry following conviction for an aggravated felony in violation of 8 U.S.C. §§ 1326(a) and (b)(2). [DE 1.]
2. At his initial appearance before the Magistrate Judge on January 30, 2019, the government moved to detain him pending trial. The government argued that Mr. Dania-Maldonado posed a serious risk of flight under Section 3142(f)(2)(A) because he would likely be deported following conviction of the instant offense, he faced a guideline term of imprisonment of 18